

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 22, 2009**

Court convened at 1:30 p.m., in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California, 92701. Panel members are Bedsworth, Acting P. J., Aronson, J. and Fybel, J. Toni Cajigal deputy clerk attending.

G040524     INLAND WESTERN FULLERTON METROCENTER  
              v.  
              RAJ ASTAVAKRA et al.

Merits. Cause called. Frank A. Weiser argued for appellants. Ernie Z. Park argued for respondent. Cause submitted.

G040932     THOMAS SWEATT  
              v.  
              PUBLIC STORAGE, INC.

Merits. Cause called. Robert A. Brock argued for appellant. Dawn B. Eyerly argued for respondent. Cause submitted.

G041705     THE PEOPLE  
              v.  
              LUIS F. VILLALON

Merits. Cause called. Gerald J. Miller argued for appellant. Kristen Chenelia, Deputy Attorney General argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 22, 2009**

G040241 WESTON JOHNSON et al. Certified for publication  
v.  
E-Z INSURANCE BROKERAGE,  
INC., et al.;  
SHAHIN MOSAFERI

G040433 WESTON JOHNSON et al.  
v.  
FARAMARZ KIASI

Opinion filed. The judgment is affirmed.

FYBEL, J.

We concur: BEDSWORTH, ACTING P.J.  
A

RONSON, J.

G040266 THE PEOPLE  
v.  
ANTONIO ALEJANDRO BARBOZA

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G040288 THE PEOPLE  
v.  
ANGELO GEORGE TYPALDOS

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 22, 2009 (cont'd)**

G040376      LESILE B. RAND-LUBY et al.                      Not for publication  
                 v.  
                 AARON'S ENVIRONMENTAL  
                 SERVICE, INC.

Opinion filed. Affirmed in part, reversed in part, and remanded with directions.

FYBEL, J.

We concur:   BEDSWORTH, ACTING P.J.  
                 ARONSON, J.

G040384      ROGER ANSON  
                 v.  
                 ST. MICHAEL'S EPISCOPAL  
                 CHURCH, INC., et al.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G040415      THE PEOPLE  
                 v.  
                 JAIME MIGUEL MORGUTIA, JR.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 22, 2009 (cont'd)**

G040419 THE PEOPLE Not for publication  
v.  
LUIS ADAN RAMIREZ

Opinion filed. The judgment is affirmed.

O'LEARY, J.

We concur: BEDSWORTH, ACTING P.J.  
ARONSON, J.

G040445 THE PEOPLE  
v.  
LINDA JEAN TILLOTSON

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G040533 THE PEOPLE  
v.  
ALBERTO MIGUEL OTINIANO

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G040601 THE PEOPLE  
v.  
GERARDO SIMON

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 22, 2009 (cont'd)**

G040614     THE PEOPLE  
              v.  
              JEREMY JOHN CARDEN

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G040633     THE PEOPLE  
              v.  
              RONLANDO TAVAREZ GARCIA

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G040690     THE PEOPLE  
              v.  
              TRAVBIS JUSTIN FRAZIER

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G040700     THE PEOPLE  
              v.  
              LERCY MARCHINO WILLIAMS

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 22, 2009 (cont'd)**

G040707     THE PEOPLE  
              v.  
              JAMES M. BRANDY

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G040732     THE PEOPLE  
              v.  
              JORGE ARNOLDO RAMIREZ

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G040788     THE PEOPLE  
              v.  
              ANDRES RODRIGUEZ

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G040834     THE PEOPLE  
              v.  
              ALEX PHU NGUYEN

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 22, 2009 (cont'd)**

G041026     ADOPTION OF H.C., a MINOR  
              C.V.  
              v.  
              C.C.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G041050     In re D.N.,  
              THE PEOPLE  
              v.  
              D.N.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G041174     RICHARD OSMAN  
              v.  
              CYPRUS SHORE COMMUNITY  
              ASSOCIATION

Not for publication

Opinion filed. Reversed with directions.

BEDSWORTH, ACTING P.J.

We concur:   ARONSON, J.  
                  FYBEL, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 22, 2009 (cont'd)**

G041462      In re ALYSSA D.,      Not for publication  
                 ORANGE COUNTY SOCIAL  
                 SERVICES AGENCY  
                 v.  
                 GUSTAVO D.

Opinion filed. Appeal dismissed. Request for judicial notice granted.

RYLAARSDAM, ACTING P.J.

We concur: MOORE, J.  
                 IKOLA, J.

G041840      THE PEOPLE  
                 v.  
                 DEMARCUS RAYSHAUN HILL

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

G041850      THE PEOPLE  
                 v.  
                 MANNON DUPREE MILLER

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.



**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 23, 2009**

G040054     TIMOTHY A. BARKER  
                 v.  
                 APRIL R. BLACKMAN

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040806     PAULA KING  
                 v.  
                 KEVIN KING

Not for publication

Opinion filed. The order is reversed and remanded.

ARONSON, J.

We concur:   MOORE, ACTING P. J.  
                     FYBEL, J.

G040222     THE PEOPLE  
                 v.  
                 DEBORAH KAY BEHRENS

Not for publication

Opinion filed. The judgment is affirmed.

IKOLA, J.

We concur:   ARONSON, ACTING P. J.  
                     FYBEL, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 23, 2009 (cont'd)**

G040634      THE PEOPLE      Not for publication  
                 v.  
                 MARTELL C. WILLIAMS

Opinion filed. The judgment is affirmed in part, reversed in part and remanded.

MOORE, J.

We concur: RYLAARSDAM, ACTING P. J.  
                 IKOLA, J.

G040896      IN RE SCHOOL DISTRICT      Not for publication  
                 CONSTRUCTION CASES

Opinion filed. The appeal is dismissed.

IKOLA, J.

We concur: RYLAARSDAM, ACTING P. J.  
                 MOORE, J.

G040975      MICHAEL GDOWSKI      Certified for publication  
                 v.  
                 DIANA GDOWSKI

Opinion is filed. The order is reversed.

FYBEL, J.

We concur: SILLS, P. J.  
                 IKOLA, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 23, 2009 (cont'd)**

G041026      CHRISTINE C.      Not for publication  
                 v.  
                 CASIE V.

Opinion filed. The judgment is affirmed.

RYLAARSDAM, ACTING P. J.

We concur:   MOORE, J.  
                     IKOLA, J.

G041074      ALLAN BEEK      Not for publication  
                 v.  
                 CITY OF NEWPORT BEACH et al.

Opinion filed. The judgment is affirmed.

ARONSON, J.

We concur:   RYLAARSDAM, ACTING P. J.  
                     FYBEL, J.

G041079      ORANGE COUNTY SOCIAL      Not for publication  
                 SERVICES AGENCY  
                 v.  
                 J.B.

Opinion filed. The order is affirmed.

ARONSON, J.

We concur:   MOORE, ACTING P. J.  
                     IKOLA, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 23, 2009 (cont'd)**

G041281     THE PEOPLE  
              v.  
              E.Q.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041341     THE PEOPLE  
              v.  
              LLOYD CHARLES EVANS

Not for publication

Opinion filed. The judgment is affirmed.

ARONSON, J.

We concur:    BEDSWORTH, ACTING P. J.  
                      MOORE, J.

G041519     THE PEOPLE  
              v.  
              J.T.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041577     ORANGE COUNTY SOCIAL  
                  SERVICES AGENCY, et al.  
              v.  
              D.R. et al.

Not for publication

Opinion filed. The order is affirmed.

ARONSON, J.

We concur:    RYLAARSDAM, ACTING P. J.  
                      FYBEL, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 24, 2009**

G039778      LETICIA RIOS      Not for publication  
v.  
INTERNATIONAL SEAL COMPANY INC.

Opinion filed. The judgment is reversed with directions.

SILLS, P. J.

We concur:    ARONSON, J.  
                    FYBEL, J.

G039851      THE PEOPLE      Not for publication  
v.  
OMAR MEJIA

G041105      In re OMAR MEJIA  
                    on Habeas Corpus

Opinion filed. The judgment is affirmed. The petition for habeas corpus is denied.

FYBEL, J.

We concur:    BEDSWORTH, ACTING P. J.  
                    MOORE, J.

G040153      THE PEOPLE      Not for publication  
v.  
FEDERICO ROSAS

Opinion filed. The judgment is affirmed in part, reversed in part, and remanded for further proceedings.

SILLS, P. J.

We concur:    MOORE, J.  
                    FYBEL, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 24, 2009 (cont'd)**

G040247      MUSTARD FRANCHISE                      Not for publication  
CORPORATION  
v.  
YEK, INCORPORATED

Opinion filed. The judgment and a postjudgment order are affirmed.

IKOLA, J.

We concur:   RYLAARSDAM, ACTING P. J.  
MOORE, J.

G040404      THE PEOPLE                                      Not for publication  
v.  
NESTOR HURTADO-DIAZ

Opinion filed. The judgment is affirmed.

RYLAARSDAM, ACTING P. J.

We concur:   O'LEARY, J.  
FYBEL, J.

G040428      JAMES S. PHELPS, as Trustee, etc.,  
v.  
ORANGE COUNTY ASSESSMENT  
APPEALS BOARD NO. 1;  
WEBSTER J. GUILLORY, as Assessor, etc.

Order filed. Order modifying opinion granting requests for publication, and denying petition for rehearing; no change in judgment.

ARONSON, J.

We concur:   RYLAARSDAM, ACTING P. J.  
MOORE, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 24, 2009 (cont'd)**

G040517      THE PEOPLE      Not for publication  
                 v.  
                 JOHN M. COSTALES

Opinion filed. The judgment is affirmed in part and reversed in part.

RYLAARSDAM, ACTING P. J.

We concur:   MOORE, J.  
                     IKOLA, J.

G040723      TERRI SMITH, as Trustee      Not for publication  
                 v.  
                 LINDA TEAGUE

Opinion filed. The judgment is reversed.

RYLAARSDAM, ACTING P. J.

We concur:   ARONSON, J.  
                     FYBEL, J.

G040843      ALEJANDRA RUIZ et al.      Certified for publication  
                 v.  
                 ANATOL PODOLSKY

Opinion filed. The order is affirmed.

O'LEARY, J.

We concur:   SILLS, P. J.  
                     RYLAARSDAM, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 24, 2009 (cont'd)**

G041022    THE PEOPLE  
              v.  
              RICHARD COLLINS

Order filed. Pursuant to C.R.C., rule 8.256(e)(1), submission of the above matter is hereby vacated and the cause resubmitted as of this date for the period allowed by law.

BEDSWORTH, ACTING P. J.

We concur:    MOORE, J.  
                  ARONSON, J.



**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 25, 2009**

G036716      THE PEOPLE      Not for publication  
                 v.  
                 JEFFREY ALAN HAMBARIAN

Opinion filed. The judgment is affirmed.

BEDSWORTH, J.

We concur:   SILLS, P. J. (with separate concurring opinion)  
                 O'LEARY

G039873      CERADLYNE, INC.  
                 v.  
                 ARGONAUT INSURANCE COMPANY

Order filed. Order denying request for publication and petition for rehearing.

O'LEARY, J.

We concur:   BEDSWORTH, ACTING P. J.  
                 FYBEL, J.

G039955      JAMES MICHAEL HARM et al.      Not for publication  
                 v.  
                 WAYNE T. HETMAN

Opinion filed. The judgment is affirmed in part, reversed in part, and remanded.

MOORE, J.

We concur:   O'LEARY, ACTING P. J.  
                 FYBEL, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 25, 2009 (cont'd)**

G040167      GLORIA MALDONADO et al.                      Not for publication  
                 v.  
                 TOWN AND COUNTRY MANOR etc. et al.

Opinion filed. The judgment is affirmed in part and reversed in part.

SILLS, P. J.

We concur:   BEDSWORTH, J.  
                 O'LEARY, J.

G040311      THE PEOPLE    Not for publication  
                 v.  
                 ANGEL MONTERO AVILA

Opinion filed. The judgment is affirmed.

MOORE, J.

We concur:   RYLAARSDAM, ACTING P. J.  
                 IKOLA, J.

G040440      WENDI KNAAK et al.                                      Not for publication  
                 v.  
                 ISU WILLINGHAM INSURANCE  
                 SERVICES, INC. et al.

Opinion filed. The judgment is affirmed.

O'LEARY, J.

We concur:   RYLAARSDAM, ACTING P. J.  
                 IKOLA, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 25, 2009 (cont'd)**

G040454      JAMES MICHAEL HARM et al.      Not for publication  
                 v.  
                 WAYNE T. HETMAN

Opinion filed. The order is reversed and remanded.

MOORE, J.

We concur:    O'LEARY, ACTING P. J.  
                 FYBEL, J.

G040524      INLAND WESTERN FULLERTON      Not for publication  
                 METROCENTER LLC  
                 v.  
                 RAJ ASTAVAKRA et al.

Opinion filed. The judgment is affirmed.

BEDSWORTH, ACTING P. J.

We concur:    ARONSON, J.  
                 FYBEL, J.

G040565      THE PEOPLE      Not for publication  
                 v.  
                 JERMAINE MIDDLETON

Opinion filed. The order is affirmed.

BEDSWORTH, ACTING P. J.

We concur:    MOORE, J.  
                 ARONSON, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 25, 2009 (cont'd)**

G040663     THE PEOPLE  
              v.  
              FRANK AHUMADA, JR. and  
              ALFRED ROLDAN

Order filed. Order modifying opinion and denying petition for rehearing; no change in judgment.

MOORE, ACTING P. J.

We concur:    ARONSON, J.  
                  FYBEL, J.

G040663     THE PEOPLE  
              v.  
              FRANK AHUMADA, JR. and  
              ALFRED ROLDAN

Order filed. Respondent's petition for rehearing is denied.

MOORE, ACTING P. J.

We concur:    ARONSON, J.  
                  FYBEL, J.

G040771     THE PEOPLE  
              v.  
              GILBERTO GASTELUM

Not for publication

Opinion filed. The judgment is affirmed.

BY THE COURT

\*Before RYLAARSDAM, ACTING P.J., ARONSON, J. and IKOLA, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 25, 2009 (cont'd)**

G040929     NATURIST ACTION COMMITTEE     Not for publication  
et al.  
v.  
CALIFORNIA STATE DEPARTMENT  
OF PARKS & RECREATION et al.

Opinion filed. The order is reversed and remanded.

RYLAARSDAM, ACTING P. J.

We concur:    ARONSON, J.  
                     IKOLA, J.

G041418     BOSSCON, INC.  
v.  
COMMISSIONER, DEPT. OF  
INDUSTIRAL RELATIONS STATE OF CA

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041542     ORANGE COUNTY SOCIAL  
SERVICES AGENCY  
v.  
J.W.

Order filed. The above entitled cause is ordered submitted this date.  
(C.R.C., rule 8.416(g)(3).)

SILLS, P. J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 25, 2009 (cont'd)**

G042023      In re THAI VAN VO  
                    On Habeas Corpus

Opinion filed. The petition is granted.

BY THE COURT

\*Before RYLAARSDAM, ACTING P. J., ARONSON, J. and IKOLA, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 26, 2009**

G038557     THE PEOPLE  
              v.  
              KENNETH M. LEUELU

Order filed. Order modifying opinion and denying petition for rehearing;  
No change in judgment.

ARONSON, J.

We concur:   RYLAARSDAM, ACTING P. J.  
                  IKOLA, J.

G039505     NEGAR SAFAIE-FARD                             Not for publication  
              v.  
              HOOSHANG FARHANG MEHR

Opinion filed. The order is affirmed.

BEDSWORTH, J.

We concur:   SILLS, P. J.  
                  MOORE, J.

G039804     THE PEOPLE                                 Not for publication  
              v.  
              TODD B. TARTAGLIA

Opinion filed. The judgment is affirmed.

ARONSON, J.

We concur:   BEDSWORTH, ACTING P. J.  
                  MOORE, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 26, 2009 (cont'd)**

G040079 CARMEL, LTD.  
v.  
MOHSEN TAVOUSSI et al.

Order filed. Order modifying opinion and granting requests for publication;  
No change in judgment.

ARONSON, J.

We concur: BEDSWORTH, ACTING P. J.  
FYBEL, J.

G040295 THE PEOPLE Not for publication  
v.  
ROBERT D. ROTTINO

Opinion filed. The judgment is affirmed.

BEDSWORTH, ACTING P. J.

We concur: O'LEARY, J.  
ARONSON, J.

G040320 THE PEOPLE  
v.  
DANIEL ALDANA and DONNA MATNEY

Order filed. Order modifying opinion and denying petition for rehearing;  
No change in judgment.

FYBEL, J.

We concur: ARONSON, ACTING P. J.  
IKOLA, J.



**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 26, 2009 (cont'd)**

G040451      THE PEOPLE      Not for publication  
                 v.  
                 ANGEL C. CHAVEZ

Opinion filed. The judgment is affirmed.

MOORE, J.

We concur:   O'LEARY, ACTING P. J.  
                     FYBEL, J.

G040583      THE PEOPLE      Not for publication  
                 v.  
                 ANTHONY B. CALDERA

Opinion filed. The judgment is affirmed.

ARONSON, J.

We concur:   BEDSWORTH, ACTING P. J.  
                     O'LEARY, J.

G040668      MONARCH POINT      Not for publication  
                 HOMEOWNERS ASSOCIATION  
                 v.  
                 SCOTT ARDITI et al.

Opinion filed. The order is affirmed.

RYLAARSDAM, ACTING P. J.

We concur:   O'LEARY, J.  
                     IKOLA, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 26, 2009 (cont'd)**

G040732      THE PEOPLE      Not for publication  
                 v.  
                 JORGE A. RAMIREZ

Opinion filed. The judgment is affirmed.

ARONSON, J.

We concur: BEDSWORTH, ACTING P. J.  
                 MOORE, J.

G040902      RAINING DATA CORPORATION      Not for publication  
                 v.  
                 MARIO BARRENECHEA

Opinion filed. The orders are affirmed.

FYBEL, J.

We concur: BEDSWORTH, ACTING P. J.  
                 ARONSON, J.

G040925      LAW OFFICES OF      Not for publication  
                 ROBERT E. NAGHASH  
                 v.  
                 CHRISTOPHER J. DAY

Opinion filed. The judgment is affirmed.

O'LEARY, J.

We concur: RYLAARSDAM, ACTING P. J.  
                 FYBEL, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 26, 2009 (cont'd)**

G040992      THE PEOPLE      Not for publication  
                 v.  
                 LOUIS B. GOMEZ

Opinion filed. The judgment is affirmed.

BEDSWORTH, ACTING P. J.

We concur:   MOORE, J.  
                     FYBEL, J.

G041169      ALISON HELMERS      Not for publication  
                 v.  
                 HENRY BLANK

Opinion filed. The order is reversed.

BEDSWORTH, ACTING P. J.

We concur:   O'LEARY, J.  
                     MOORE, J.

G041317      ORANGE COUNTY SOCIAL      Not for publication  
                 SERVICES AGENCY  
                 v.  
                 KRISTIAN R.

Opinion filed. The orders are affirmed.

FYBEL, J.

We concur:   BEDSWORTH, ACTING P. J.  
                     MOORE, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 26, 2009 (cont'd)**

G041623      ORANGE COUNTY SOCIAL  
SERVICES AGENCY  
v.  
T.B.

Order filed. The above entitled cause is orderd submitted this date. (C.R.C. rule 8.416(g)(3).)

SILLS, P. J.

G041736      KATHY V.  
v.  
SUPERIOR COURT OF CALIFORNIA;  
ORANGE COUNTY SOCIAL  
SERVICES AGENCY

Not for publication

Opinion filed. The petition is denied.

SILLS, P. J.

We concur:    BEDSWORTH, J.  
                    O'LEARY, J.

G041850      THE PEOPLE  
v.  
MANNON D. MILLER

Not for publication

Opinion filed. The judgment is affirmed.

FYBEL, J.

We concur:    RYLAARSDAM, ACTING P. J.  
                    O'LEARY, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
June 26, 2009 (cont'd)**

G041852      FERNANDO C. et al.      Not for publication  
v.  
SUPERIOR COURT OF CALIFORNIA;  
ORANGE COUNTY SOCIAL SERVICES AGENCY

Opinion filed. The petition is denied.

BEDSWORTH, J.

We concur:   SILLS, P. J.  
                  FYBEL, J.

G041959      K.K.      Not for publication  
v.  
SUPERIOR COURT OF CALIFORNIA;  
ORANGE COUNTY SOCIAL SERVICES AGENCY

Opinion filed. The petition is denied.

O'LEARY, ACTING P. J.

We concur:   MOORE, J.  
                  IKOLA, J.